

NEWS NOTES

OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

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Philadelphia, Pa.

Four Dotys Get Second Sentence

I-A-O Prisoners Mistreated

Conscientious objectors held in the stockade at Camp Pickett, Va., have in some instances received treatment reminiscent of World War I army cruelty to objectors. These men were forced to serve time in the "black box," solitary confinement; go as long as a month at a time on restricted diets with one meal a day; stay outside in rain and cold weather then brought in to spend the night in wet clothes; housed in pup tents instead of barracks in all kinds of weather; and refused mail and visits.

This harsh treatment was carried on throughout most of 1953. In documenting these charges CCCO has obtained the names of nine objectors who served in the stockade during this period of treatment. The most severe punishments were eliminated by the army previous to CCCO disclosure.

However, serious discrimination against conscientious objectors in the stockade continued. The C.O. prisoners were the only ones not allowed to have visits. One prisoner's parents came up from North Carolina twice to visit him and were not allowed to see him.

Beliefs Cause Trouble

I-A-O's are so called from the Selective Service classification given C.O.'s eligible for induction into the armed forces for noncombatant duty. It should be noted that the I-A-O training program and other phases of treatment of objectors in the medics is satisfactory for the majority of the men. Probably less than 1% of the men have any serious difficulty, and the army is well satisfied with the performance of I-A-O's.

The men who end up in the stockade are objectors who should not have been inducted into the army, since they object to army duty of any type on the basis of their religious faith. Frequently they are not well educated, are inarticulate, and are completely unaware of the provisions of the law for civilian assignments for conscientious objectors.

These men are court-martialed for refusing to obey orders. Generally they are discharged after one or two stockade sentences and a great many other difficulties for both the men and the army.

Many of the officers who get involved in the problems are completely unsympathetic and lacking in understanding as to the basic difficulty. On the other hand, some officers have put a great deal of personal sympathetic effort into making "good soldiers" out of the men. Even where company commanders or chaplains are sympathetic

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Judge Gives Two Year Terms on "Cat and Mouse" Prosecutions

Joel, Orin, Paul and Sid Doty were each sentenced to two years imprisonment by Judge Robert C. Bell in St. Paul, Minn., March 5. The Dotys were charged with failure to report for induction into the army. Execution of sentence was stayed for 30 days to permit the defense attorney, Chester Bruvold, to prepare an appeal. The \$1,500 bond on each man was continued. All four of the brothers previously served sentences for failure to register. Joel Doty's first sentence was two years, and the other men served 18 months sentences. The Dotys are conscientious objectors who refuse all cooperation with conscription. They base their opposition to the draft on both political and religious grounds.

As it usual with nonregistrants, the men were registered by prison officials before their release. Their registration cards were then sent to the local board. The local board sent questionnaires, orders to report for physicals and finally orders to report for induction to the Dotys. The questionnaires were not filled out, and the orders were not obeyed because of the men's conscientious objection to the draft law.

Others Prosecuted Twice

The sentencing of the Dotys makes a total of ten conscientious objectors who have been convicted a second time for violating the draft law; three other cases are pending.

James Bolton of New Haven, Conn., was arrested recently for his second draft prosecution. He previously served a one year sentence at Danbury, Conn. Decisions on second prosecutions are also pending on the cases of Vail Palmer in Philadelphia and Eldon Borgen in Kansas. Borgen is a Mennonite and attending college at the present time. Palmer, a Quaker, is the administrative assistant for CCCO.

CCCO and a number of other organizations, as well as a good many individuals, have been arguing with the Department of Justice for several years that second prosecutions of conscientious objectors should be dropped as a matter of policy. However, the Department of Justice maintains that it must continue its policy of "cat and mouse" prosecutions of these objectors.

Contrary to popular belief, the Constitutional prohibition against double jeopardy does not protect the objectors. The courts have ruled that the violation of each order by a draft board is a separate and distinct offense.

Court Rejects Gov't Plea

The United States Supreme Court has turned down a Department of Justice petition to review the decision of the Court of Appeals for the 8th Circuit in the case of Taffs vs. U.S. (203 F. 2d 329). The court's decision was announced March 15. The 8th Circuit had reversed the conviction of Taffs, a J.W. Taffs was denied C.O. status by Selective Service because he believes in self defense and is willing to participate in a theocratic war. The District Court upheld the contention of the Department of Justice that these beliefs were sufficient basis to deny a C.O. claim. The 8th Circuit's reversal of the conviction was followed in similar cases by the 2nd and 10th Circuits. The refusal of the Supreme Court to review the decision in the Taffs case will presumably settle this point of law, although there has not yet been time for comment from the Department of Justice.

The 8th Circuit reversed two other C.O. convictions on the same grounds as Taffs on February 19. These were the cases of Weaver vs. U.S. and Lowe vs. U.S.

The Department of Justice continues to be on the losing side of the argument in respect to disclosure of the FBI files in C.O. cases in some court districts. The FBI investigates conscientious objectors who appeal for C.O. status. These files are considered confidential, and the government refuses to disclose their contents. Courts in Virginia, Connecticut, Montana, Nebraska, New Hampshire and on a limited basis in New York have ruled these reports must be disclosed or C.O. defendants acquitted.

In spite of losing a number of cases on this basis, the Department of Justice is quoted in an Associated Press dispatch dated February 22 as saying it "will stick to its policy of never producing FBI files in such cases."

Because of recent developments in the courts on the FBI point, the Taffs points, and the Dickinson decision requiring Selective Service to produce evidence which supports their denial of the registrant's claims, Major General Hershey, Director of Selective Service, has ordered local boards to forward files to him for consideration when prosecution of registrants claiming conscientious objection or ministerial status is contemplated. Previously local boards have sent such files directly to the United States Attorney for prosecution.

According to *Selective Service*, the monthly bulletin of the Selective Service System, Hershey claims authority for this procedure under Regulation 1660.30. This regulation, however, refers only to men who have been ordered into civilian work assignments.

By withholding prosecution of cases in certain court districts Hershey apparently hopes that future appeal court decisions will enable convictions to be obtained where immediate trials would result in acquittals or dismissals. ("In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, . . ." 6th Amendment to the Constitution of the United States.)

Presumably, review of these cases by the National Office of Selective Service should benefit some registrants if flagrant errors in handling of the cases are uncovered and the files are returned for reconsideration.

As a special bonus to the readers of NEWS NOTES we are offering the 508-page book

SERVICE FOR PEACE

free of charge upon request (limit one to each person). This is the official history of Mennonite participation in the World War II Civilian Public Service program. It has been made available to us through the courtesy of the Mennonite Central Committee.

* * *

Also still available

BIBLIOGRAPHY OF CONSCIENTIOUS OBJECTION

This new 24-page CCCO pamphlet contains a selected list of 173 annotated titles of books and periodicals dealing with conscientious objection. Single copies 20 cents postpaid. Quantity discounts available.

ORDER FROM CCCO

U.N. Petitioned for C.O.'s

Well-known persons from a dozen different countries have signed a letter addressed to the United Nations Commission on Human Rights asking that the commission act to protect the right of conscientious objection around the world. The largest number of signers were from Great Britain. Albert Einstein was the only signer from the United States.

According to War Resisters' International, 58 countries now have conscription with just 18 making provision for conscientious objection.

The letter to the U.N. pointed out that "the recognition of the inviolability of conscience is an essential characteristic of a civilized community and of fundamental importance to human progress."

CORRECTION

We regret that by error the War Resisters League, 5 Beekman St., New York City 32, N. Y. was omitted from the organizations listed on page 24 of the CCCO Bibliography of Conscientious Objection as sources of new publications on conscientious objection. The WRL carries a large stock of pacifist literature.

LAST MINUTE REPORT

March 16 Eldon Barga was given 3 years on probation on his second prosecution. This makes a total of 11 convictions on second prosecutions.

I-A-O PRISONERS

(Continued from page 1)

thetic and recognize discharge from the army as the only solution to the problem, the difficulty continues since there are no provisions either for discharge on the basis of conscience or transfer to the civilian work program.

Efforts for Change Made

CCCO, in cooperation with the American Friends Service Committee, is seeking changes in the administrative handling of these men by the army in an attempt to expedite discharges of men who cannot cooperate because of conscience. At the same time an effort is being made to prevent further cruel treatment in the stockade. The reaction of top army officers in the Pentagon to efforts in this direction is generally apathetic.

CCCO has requested Dewey Short (Rep., Mo.), Chairman of the House of Representatives Committee on Armed Service to take action toward preventing further stockade mistreatment. Short is checking the facts submitted by CCCO. He has replied that, "If these men while confined have been treated in the manner in which you describe, it is unconscionable, and I will take the matter up with the Secretary of the Army to see if we can avoid any repetition of this treatment."

One Still Imprisoned

The number of I-A-O's at Camp Pickett is rapidly decreasing because of the transfer of that training program to Fort Sam Houston, Texas. Only one objector, Theotis Jefferson, is now held in the stockade at Pickett. He received a six month sentence which was followed by a three year sentence. The latter is now under review in Washington. Jefferson was one of those who received some of the harsh treatment reported above. He states that he holds no resentment against the officers who have given him such treatment nor does he want to be disobedient.

Portions of the testimony before a Board of Officers is reproduced below because of the clarity with which it points up the type of cases involved in these problems. Note the uncontradicted testimony on the treatment Ford received. These proceedings were held in March of 1953 at Camp Pickett.

Q. State your name, rank, serial number.

A. Thomas J. Ramey, Sergeant, Co. D, 7th Bn.

Q. Do you recognize the respondent?

A. Yes, sir, I do. He is Pvt. Elmer Ford.

Q. Under what circumstances do you know Ford?

A. He came in the Company last August, the last part of August, I believe. In a couple of days he was court-martialed for trouble he had been in which happened before I arrived. I understand he disobeyed a direct order, was convicted and confined for six months. In February of this year he got out and what I know has been since that time. Ford is a man who does not believe in the Army or anything it stands for. He refuses to take orders from his superiors, will not salute or anything like that. When he gets paid he won't properly report to the paying officer to get paid. In my opinion the man is a total objector.

Q. Would you want him in your unit?

A. No, sir.

Q. Do you feel he could serve in any capacity?

A. Under the man's present outlook, I don't believe he would be worth anything to the military service.

Q. Sergeant, what is your capacity in the Company?

A. I am First Sergeant, sir.

Q. Have you ever talked to the man in regard to why he acts like he does? Does he dislike the Army so much?

A. I have talked to him several times. As long as you

give him his own way, he is all right. He won't take orders.

Q. Has he told you what he would like to do?

A. I have never talked to him in that respect.

Q. What has Private Ford been doing?

A. I gave him a job the last month in the Company and he did a good job, nobody bothered him, he cleaned the orderly room and day room. He agreed to do it. He wouldn't take an order. Every morning he cleans it good and I wouldn't see him any more.

Q. Do you believe there are any jobs in the Army in its broad scope in which he could be utilized?

A. It might be possibly but I have never found one. You've got to have somebody over him. You can't give him a job and leave him alone because it won't get done.

Q. How much training has he completed?

A. I don't know. From his record he was shipped here from Fort Bragg to take medical training. I don't believe he had but a few days. I know the first thing he had was the Infiltration Course and he refused to go through with it.

Q. Do you feel that any further disciplinary measures would straighten this man out?

A. I don't honestly believe so. He has been interviewed by Colonel Smith, the Battalion Commander, he went to the IG, went all around in fact. He has refused to take orders or do any work.

Private Elmer W. Ford's statement:

A. I understand this case this afternoon and how I was inducted into the Army. I cannot partake in Combat Training. I am to be a minister of the Gospel. My mother is 47 and is an evangelist, my father is an ordained elder. There are seven brothers, five are in the church, one is at home and one is in Korea. There is nothing more I can do in the Army. Punishment would not change me. I was put in the Stockade for six months, after five and one-half months I was released and in less than fifteen minutes I was back in again. The Captain told me to take my hands out of my pockets and I told him it was cold and the MP's came and got me and put me in the "black box." I had twenty-four meals in twenty-eight days, nothing else whatsoever. It is not painful to me for I put my trust in God.

Q. In your belief, do you accept all the benefits of a democracy?

A. All that I can except those that conflict with my religion. For one thing, they required me to go in the Army. What I can do I do and what I can't do, I don't. My trust in God comes first. Under brutal punishment and under death, it will not change me.

Q. You are willing to accept the benefits of a democracy but you do not wish to serve your country in order to protect it?

A. If it comes in accordance with the Scriptures I do those, others I don't. I don't try to give the impression that I become this way. I studied the Ministry, I won't be half way for the Ministry and half way for the Army. The Scriptures tell you you can't serve God and mammon.

Q. Can you account for the difference in you and your brother doing service in the U.S. Army?

A. I understand the ways of Heaven and he has not accepted it yet. I cannot put myself in his shoes. He is a man, he makes his own choice. I can't tell him what to do.

Q. How long have you had this belief?

A. I was raised in it all my life but I took it three years ago. I don't want to hinder the Army Program while I am here, but I cannot take part in anything that does not coincide with my religion. Nothing will change me never, no nothing. If a fellow puts his trust in the Lord, he will not partake in this Army, no never.

FINDINGS: That Private Elmer W. Ford is unfit for further military service manifested by constant shirking of duty due to his refusal to obey orders from superior officers and it is felt that further attempts to rehabilitate this man is not deemed advisable.

RECOMMENDATIONS: That Private Elmer W. Ford be discharged from the military service under the provisions of AR 615-363 and given an "Undesirable Discharge."

THE COURT REPORTER

I PROSECUTIONS

Sentenced since last issue

- 2-23-54 James Playford, 18 months, (Utica, N. Y.) Judge James Foley
- 2-23-54 Francis Playford, 18 months, (Utica, N. Y.) Judge James Foley
- 2-24-54 James Mason, 18 months, (Los Angeles, Cal.) Judge Sweeney, free on bond, appeal pending
- 3-5-54 Joel Doty, 2 yrs., (St. Paul, Minn.) Judge Robert Bell
- 3-5-54 Paul Doty, 2 yrs., (St. Paul, Minn.) Judge Robert Bell
- 3-5-54 Sid Doty, 2 yrs., (St. Paul, Minn.) Judge Robert Bell
- 3-5-54 Orin Doty, 2 yrs., (St. Paul, Minn.) Judge Robert Bell
- 3-16-54 Eldon Bargaen, 3 yrs. probation (Topeka, Kans.) Judge D. C. Hill

Acquittal

- 3-16-54 Robert Fisher (Concord, N. H.) Judge A. Connor

Appeals

- 6-12-53 Edward Reed, conviction affirmed, 9th Circuit Court of Appeals
- 6-12-53 Jack Parkhurst, conviction affirmed, 9th Circuit Court of Appeals
- 12-21-53 Israel Feuer, conviction affirmed, 9th Circuit Court of Appeals

Sentence started, previously convicted

- 12--53 Edward Reed
- 12--53 Jack Parkhurst

Arrests not reported previously

- Connecticut—James Bolton
- New York—Belmont Pitkin
- Oregon—Dick Faxon, Art Weston, Avann Weber
- Wisconsin—Donald Thomas

II RELEASED FROM PRISON

On parole

- 2-12-54 Loy Imboden
- 2-16-54 Gerald Bullis
- 3-1-54 Janney Wilson

Good time

- 3-1-54 Edward Johnson
- 3-2-54 Omen Swenson

III MEN CURRENTLY IMPRISONED

- Danbury, Conn.—Andrew Borisuk, Richard Blazej, Lester Packer, Harry Nugent, Carl

Court Orders J.W. Released

The Court of Appeals for the 9th Circuit has granted Ronald Corrigan's petition for a writ of habeas corpus. Corrigan was being held by the army although he claimed he had refused induction. The appeal court agreed that Corrigan was not inducted, and, therefore, he was being held illegally. Corrigan was represented by J. B. Tietz of Los Angeles.

The question as to whether or not as a matter of fact Corrigan had taken the one step forward at the induction station was disputed as a result of the crowded condition of the induction room. The officer in charge testified that he did not see Corrigan step forward. The step forward to take the oath of induction is the line drawn by the courts between civilian status and military status.

Corrigan's difficulty apparently came from his last minute "conversion" to conscientious objection. Although raised as a Jehovah's witness, he did not consider himself a conscientious objector until he was actually in the room where the induction was to take place. When asked on cross-examination when he became a conscientious objector Corrigan replied, "While sitting in the room. I just thought. The material together I would say, filled my mind, and this is the one thing I wanted to do."

Mascaro, Louis Mascaro

Florence, Ariz.—Donald Rowland, William Weir McNeil Island, Wash.—Glenn Peters, Robert McCorkle, Monty Prothero, Vern Dawson Petersburg, Va.—Philip Mulligan, Larry Atkins, Carl Nickel

Springfield, Mo.—Clarence Bryan, Ted Head, Ervie Daniels, Marvin Watkins, Harold Bohlman, Kenneth Owens, Emanuel Miller, Melvin Chupp, Howard Robertson, Burton Rosen, Manas Kuhns, Freeman Wingard, Charles Wenger

Tucson, Ariz.—Fred Hildebrand, Gaetano Brancalone, Glenn James, Robert Kent, W. L. Stevens, Jack Parkhurst, Edward Reed

Institution not verified—Henry Carrizosa, Raymond Skinner, P. A. Nazerooff, William Chernenkoff, James Playford, Francis Playford

Total number of C.O.'s convicted since 1948 to date: 252 (This is a minimum number, since J.W.'s and Muslims are not included.)

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